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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust
To Everett H. Johnston Family Trust, dtd
1/24/90's Claim Asserting Secured Status**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Everett H. Johnston Family Trust, dtd 1/24/90 filed Proof of Claim Nos. 10725-02555, and 10725-02561 against USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Everett H. Johnston Family Trust, dtd 1/24/90's assertion that the claim is secured by a valid lien on USACM property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, for an order reclassifying Claim Nos. 10725-02555, and 10725-02561 as general unsecured claims. The USACM Trust is not, by this filing, objecting at this time

1 to any of the claims as unsecured claims or on grounds that the claims were untimely filed,
2 but reserves the right to do so. The basis for this Objection is fully explained in the
3 USACM Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to
4 the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a
5 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus
6 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And
7 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the
8 Motion with this objection.

9 Dated: July 30, 2007.

10 **LEWIS AND ROCA LLP**

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12 By: /s/ RC (#6593)

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